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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/679,621	10/05/2000	Shin Asada	2000 1393A	8142

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WENDEROTH, LIND & PONACK, LLP
2033 K Street NW Suite 800
Washington, DC 20006

EXAMINER

DUGGINS, ALICIA M

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 11/19/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/679,621

Applicant(s)

ASADA, SHIN

Examiner

Alicia M Duggins

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/5/2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21, 23-30, 32-36, 38, 39 and 41-46 is/are rejected.
- 7) ☒ Claim(s) 22, 31, 37 and 40 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3,5,7-19,21,23-28,30,32,34-35,38 and 41-46 are rejected under 35 U.S.C. 102(b) as being anticipated by Browne et al. (WO9222983).

Regarding claims 1 and 43, in fig. 1 Browne shows a recording apparatus 100 comprising:

- reception means 113, for receiving a broadcast signal 101 specified by a broadcast frequency and another item (p.7 ll. 14-19; p.9 ll.14-18)
- recording means to record the broadcast signal and broadcast information (p.6 ll.9-10)

Regarding claims 3,11, 17, 18, 21, 27, and 32 fig. 5 shows:

- a recording apparatus where a channel number is a broadcast number corresponding to a broadcast frequency and
- reception means which receives a broadcast signal that is broadcast on a frequency corresponding to the channel number received by the reception means (p.23 ll.5-12)

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Regarding claims 5, 9 and 21, fig. 5 shows area classification information, which enables an area in which the reception means is located to be distinguished from other areas (p. 23 ll.7-13)

Regarding claims 6, 13,23 and 25; fig.5 shows a recording means which:

- treats parts of the broadcast signal received as programs
- specifies broadcast ID information separately for each program
- records each program and corresponding Id information on the recording medium (p.23 ll. 5-30)

Regarding claims 7,8,12,14,15, 26,35,38,41, 42, 45 and 46 fig. 1 shows:

- a recording means which records the broadcast ID information of the program in an attribute area 104
- the attribute area is linked to an area on the recording medium where the broadcast ID information is recorded and paired with a data application ID showing an application format for data and is recorded with a data construction conforming with the application format (p.24 ll.18-29; p.28 ll.2-4)

Regarding claims 10 and 34, Browne teaches a broadcast station correspondence table obtaining means for obtaining a broadcast station correspondence table from another apparatus via a communication path and storing the table in a storage means (p.8 ll.27-34)

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Regarding claims 16, 23, and 28, fig. 1 shows:

- a recording apparatus where the recording medium is removable 104b
- a recording means including a medium loading unit operable to load the recording medium (p.11 ll. 1-9)

Regarding claim 23, fig. 1 shows a playback apparatus that plays back a program recorded on a recording medium (p.6 ll.21-25; p. 13 ll.11-17)

Regarding claim 19, fig. 6 shows the separation of broadcast ID information from the broadcast signal and the recording of the broadcast signal separate from the ID information (p.24 ll. 25-29)

Regarding claims 23,24,27,44 and 46 in fig.11 shows reading means for reading a program, part of the broadcast ID information related to the program, display means for displaying part of the ID information and playback means.

Regarding claims 26,30 and 35, Browne shows reading means to determine whether or not ID information on the recording medium are paired with a data application ID matching a predetermined value then reads broadcast station ID information only from broadcast ID information paired with a matching data application ID (p.12 ll.8-32).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Browne et al. (WO9222983) in view of Wugofski (6003041). Browne discusses broadcast ID information, but does not discuss broadcast station ID information enabling a broadcast station to be identified as is done by Wugofski in fig. 6 (col.6 ll.1-6). Browne and Wugofski both deal with broadcast information. At the time of the invention it would have been obvious to a person of ordinary skill in the art to enable the broadcast station to be identified. The motivation would be to provide additional information to the user. Therefore it would be obvious to also have the broadcast station ID information provided to the user as is stated in claims 2.

Claims 4,20,29 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Browne et al. (WO9222983) in view of Wugofski (6003041). Browne discusses broadcast ID information, but does not discuss broadcast station correspondence table storage means for storing a broadcast station correspondence table in which channel numbers are associated with broadcast station information as is done by Wugofski in fig. 6 (col.5 ll.40-58). Browne and Wugofski both deal with broadcast information. At the time of the invention it would have been obvious to a

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person of ordinary skill in the art to have storage means for the broadcast station correspondence table. The motivation would be to have broadcast information associated with channel numbers. Therefore it would be obvious to have storage means for a broadcast correspondence table.

Regarding claims 36 and 39, Although Wugofski fails to specifically mention that the recorder shows the control method for determining the bit rate, it would have been obvious to one of ordinary skill in the art to display the recording mode (i.e. EP, LP, SLP) so the user will recognize the amount of time that will be used. (Official Notice)

Allowable Subject Matter

Claim 22 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 31,37 and 40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

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Kozuka et al. (US6466735)

Young et al. (US5809204)

Nagai et al (US2003/0175011)

Klosterman (US5550576)


Eyer et al. (EP0849954A2)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M Duggins whose telephone number is (703) 305-5621. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (703) 305-4856. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

AMD
10/30/03


CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600